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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606			LEE, PHILIP C	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,120

Applicant(s)

SWEATT ET AL.

Examiner

Philip C. Lee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-41 and 52-54 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 and 42-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-41 and 52-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. This action is responsive to the amendment and remarks filed on June 7, 2005.
2. Claims 13-41 and 52-54 are presented for examination and claims 1-12 and 42-51 are withdrawn.
3. This application contains claims 1-12 and 42-51 drawn to an invention nonelected with traverse in Amendment after Non-Final filed on June 7, 2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.
4. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.
5. Claim 22 is objected to because of the following informalities: Spacing of the claim in line 1 (i.e. please delete the line between "to———Claim 13"). Appropriate correction is required.

Claim Rejections – 35 USC 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 13-14, 22, 25-26 and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Venkatraman et al, U.S. Patent 5,956,487 (hereinafter Venkatraman).

9. Venkatraman was cited in the last office action.

10. As per claims 13 and 52, Venkatraman taught the invention of operating a media device through a web-hosted application (col. 2, lines 13-21), comprising:

accessing a first server to launch the web-hosted application, the web-hosted application being capable of communicating with the media device to extract data therefrom (col. 3, lines 13-21);

receiving one or more integrated presentations formed by the web-hosted application and

sent by the first server in response to accessing the first server, each of the integrated presentations including the data extracted to replicate a corresponding interface of the media device (col. 3, lines 27-42);
selecting portions of the interface to initiate one of more commands to operate the media device (col. 3, lines 21-26, 36-40; col. 5, lines 36-40); and
transmitting the commands to the web-hosted application via the first server (col. 3, lines 21-26).

11. As per claim 14, Venkatraman taught the invention as claimed in claim 13 above.

Venkatraman further taught comprising:

the web-hosted application transmitting the commands received to the media device for operating the media device (col. 3, lines 17-26).

12. As per claim 22, Venkatraman taught the invention as claimed in claim 13 above.

Venkatraman further taught wherein accessing the first server comprises sending an http request over the Internet to the first server (col. 7, lines 40-42).

13. As per claim 25, Venkatraman taught the invention as claimed in claim 13 above.

Venkatraman further taught wherein the data is extracted periodically (col. 6, lines 6-7).

14. As per claim 26, Venkatraman taught the invention as claimed in claim 13 above.

Venkatraman further taught wherein the data is extracted on-the-fly (col. 6, lines 13-14).

Claim Rejections – 35 USC 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 17, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman in view of “Official Notice”.

17. As per claim 17, Venkatraman taught the invention as claimed in claim 13 above. Although Venkatraman taught wherein one of the commands (e.g. sending a HTTP GET command by selecting an URL) causes the first server to access a second server (col. 3, lines 43-50), however, Venkatraman did not teach the web-hosted application running on the second server. “Official Notice” is taken for the concept of a web-hosted application running on a second server is known and accepted in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include the web-hosted application running on the second server because by doing so it would allow a user to remotely access a web hosted application on a second server via a first server.

18. As per claim 23, Venkatraman taught the invention as claimed in claim 13 above.

Although Venkatraman taught wherein the media device is a digital video recorder (col. 4, lines 29-30), however, Venkatraman did not specifically teach selecting from a group consisting of a personal digital assistant, a mobile telephone, and a pager. "Official Notice" is taken that the limitations narrowed by these claims are consider obvious. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include different media devices because by doing so it would increase the field of use in their system.

19. As per claim 24, Venkatraman taught the invention as claimed in claim 13 above.

Venkatraman did not specifically teach wherein the interface is selected from a group of interfaces consisting of a login interface, a Channel Guide, a Replay Guide, Replay Shows, Replay Channels, Find Shows, and Manual Record. "Official Notice" is taken that the limitations narrowed by these claims are consider obvious. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include different interfaces to operate different media devices as a matter of design choice.

20. Claims 15-16, 18-20, 27-35, 37, 39-41, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman in view of Paroz, U.S. Patent 6,587,125 (hereinafter Paroz).

21. Paroz was cited in the last office action.

22. As per claims 15 and 16, Venkatraman taught the invention as claimed in claim 13 above. Venkatraman did not specifically detailing object interfaces for operating the media device. Paroz taught a similar system wherein the web-hosted application instantiates a plurality of objects for encapsulating functions associated with operating the media device, wherein the objects comprises programmable interfaces for operating the media device (col. 9, lines 12-20; col. 10, lines 17-21).

23. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Paroz because Paroz's teaching of objects interfaces would increase the flexibility in Venkatraman's system by allowing a user to write programs for interfacing for the operation of different devices.

24. As per claim 18, Venkatraman taught the invention as claimed in claim 13 above. Venkatraman did not teach the method of transferring in XML format. Paroz taught wherein the integrated presentation is transferred in XML format (col. 10, lines 46-49).

25. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Paroz because Paroz's teaching of transferring in XML format would increase the field of use in their system.

26. As per claims 19 and 20, Venkatraman taught the invention as claimed in claim 13 above.

Venkatraman did not teach forming the integrated presentations with additional data received by the web-hosted application from one or more sources of data. Paroz taught wherein the integrated presentations are formed by combining the data extracted with additional data received by the web-hosted application from databases and online services (col. 9, line 45-col. 10, line 7).

27. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Paroz because Paroz's teaching of forming integrated presentation with additional data from database and online services would increase the efficiency of Venkatraman's system by allowing faster generation of integrated presentation using stored configuration data in the databases.

28. As per claims 27 and 53, Venkatraman taught the invention substantially as claimed for remotely controlling of at least one media device, comprising:

maintaining data extracted from the media device (col. 3, lines 13-21);

forming an integrated presentation including data extracted to simulate a corresponding interface of the at least one media device (col. 3, lines 27-42);

transferring the integrated presentation to a network computing system for display on a client in response to receiving an instruction from the client (col. 3, lines 27-42);

receiving a command from the client in response to portions of the integrated presentation being selected, the command representing an operation to be performed on the media device (col. 3, lines 21-26, 36-40; col. 5, lines 36-42); and

sending the command to the media device to perform the operation on the media device
(col. 3, lines 17-26).

29. Venkatraman did not teach pre-existing information and updating the local representation with the command. Paroz taught a similar system comprising:

maintaining a local representation of pre-existing information and data extracted from a plurality of data sources (col. 9, lines 13-21);

forming an integrated presentation by combining the pre-existing information with the data extracted (col. 9, line 45-col. 10, line 7); and

updating the local representation with the command (col. 8, lines 24-50).

30. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Paroz because Paroz's teaching of local representation of pre-existing information would increase the efficiency of Venkatraman's system by allowing faster generation of integrated presentation using stored configuration data in the databases.

31. As per claim 28, Venkatraman and Paroz taught the invention substantially as claimed in claim 27 above. Venkatraman further taught wherein the network computing system comprises at least one web server communicatively coupled to a network (col. 2, lines 27-30), the web server receiving and forwarding the integrated presentation to the client over the network (col. 3, lines 34-42).

32. As per claim 29, Venkatraman and Paroz taught the invention substantially as claimed in claim 28 above. Venkatraman further taught wherein the network comprises the Internet (col. 2, lines 27-30).

33. As per claim 30, Venkatraman and Paroz taught the invention substantially as claimed in claim 27 above. Paroz further taught wherein the data sources are selected from a group consisting of databases and online websites (col. 9, line 45-col. 10, line 7).

34. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Paroz because Paroz's teaching of forming integrated presentation with data sources selected from a group of databases and online websites would increase the efficiency of Venkatraman's system by allowing faster generation of integrated presentation using stored configuration data in the databases.

35. As per claim 31, Venkatraman and Paroz taught the invention substantially as claimed in claim 27 above. Venkatraman further taught wherein the integrated presentation comprises a virtual representation of a user interface associated with the media device (col. 3, lines 27-42).

36. As per claim 32, Venkatraman and Paroz taught the invention substantially as claimed in claim 27 above. Paroz further taught wherein maintaining the local representation comprises storing the pre-existing information and the data on a database (col. 9, lines 13-21).

37. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Paroz because Paroz's teaching of local representation of pre-existing information would increase the efficiency of Venkatraman's system by allowing faster generation of integrated presentation using stored configuration data in the databases.

38. As per claims 33 and 34, Venkatraman and Paroz taught the invention substantially as claimed in claim 27 above. Paroz further taught comprising
instantiating a plurality of objects for encapsulating functions associated with the
operation of the media device, wherein the objects comprise programmable interfaces for
invoking the operation on the media device (col. 9, lines 12-20; col. 10, lines 17-21).

39. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Paroz because Paroz's teaching of objects interfaces would increase the flexibility in Venkatraman's system by allowing a user to write programs for interfacing for the operation of different devices.

40. As per claim 35, Venkatraman and Paroz taught the invention substantially as claimed in claim 33 above. Paroz further taught the process of transferring in XML format (col. 10, lines 46-49).

41. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Paroz because Paroz's teaching of transferring in XML format would increase the field of use in their system.

42. As per claim 37, Venkatraman and Paroz taught the invention substantially as claimed in claim 27 above. Venkatraman further taught wherein the media device comprises a digital video recorder (col. 4, lines 29-30).

43. As per claim 39, Venkatraman and Paroz taught the invention substantially as claimed in claim 27 above. Venkatraman further taught wherein the client comprises a browser (col. 5, lines 65-66).

44. As per claim 40, Venkatraman and Paroz taught the invention substantially as claimed in claim 27 above. Venkatraman further taught wherein the local representation is maintained on a periodic basis (col. 6, lines 6-7).

45. As per claim 41, Venkatraman and Paroz taught the invention substantially as claimed in claim 27 above. Venkatraman further taught wherein the local representation is maintained on-the-fly (col. 6, lines 13-14).

46. As per claim 54, Venkatraman taught the invention as claimed for providing control input to a media-based device through a web hosted application (col. 2, lines 13-21), comprising:

accessing a first server from at least one client browser (col. 5, lines 65-66), the first server executing the web hosted application (col. 3, lines 13-21);
the web hosted application accessing user interface information received from the media-based device (col. 3, lines 27-42);
displaying on the browser the user interface information to simulate a corresponding interface of the at least one media device (col. 3, lines 27-42; col. 5, lines 36-42);
the first server sending the user instruction to the web hosted application database for transferring to the media-based device (col. 3, lines 21-26).

47. Venkatraman did not teach the accessing a database for archival and receiving instruction to change the user interface information. Paroz taught a similar invention comprising:
the web hosted application accessing a database (col. 9, line 60-col. 10, line 11);
receiving a user instruction to change the user interface information (col. 8, line 51-col. 9, line 2); and
sending the user instruction to the web hosted application database for archival (col. 9, lines 13-21).

48. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Paroz because Paroz's teaching of the web hosted application accessing a database would increase the efficiency of Venkatraman's system by allowing faster generation of integrated presentation by accessing configuration data in the databases.

49. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman and Paroz in view of "Official Notice".

50. As per claim 38, Venkatraman and Paroz taught the invention substantially as claimed in claim 27 above. Venkatraman and Paroz did not specifically teach wherein the interface is selected from a group of interfaces consisting of a login interface, a Channel Guide, a Replay Guide, Replay Shows, Replay Channels, Find Shows, and Manual Record. "Official Notice" is taken that the limitations narrowed by these claims are consider obvious. . It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include different interfaces to operate different media devices as a matter of design choice.

51. Claims 21 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman and Paroz in view of Gordon et al, U.S. Patent Application Publication 2003/0217360 (hereinafter Gordon).

52. As per claims 21 and 36, Venkatraman and Paroz taught the invention substantially as claimed in claims 19 and 27 above. Venkatraman and Paroz did not teach broadcast programming guides. Gordon taught wherein the sources of data comprise broadcast programming guides in an electronic format (page 4, paragraph 50-52).

53. It would have been obvious to one having ordinary skill in the art at the time of the

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invention was made to combine the teachings of Venkatraman, Paroz and Gordon because Gordon's teaching of broadcast programming guide would increase the functionality of Venkatraman's and Paroz's systems by providing preview context based on user selection of program title (page 1, paragraph 12).

54. Applicant's arguments with respect to claims 13-41 and 52-54, filed 06/07/05, have been fully considered but are not deemed to be persuasive.

55. The applicant in response to the claim objection to claim 22, did not fixed the informality of claim 22, line 1 (i.e. please delete the line between "to ————— Claim 13"). Appropriate correction is required.

56. In the remark applicant argued that:

(1) Venkatraman did not teach integrated presentation, each of the integrated presentations includes data extracted from a media device to replicate a corresponding interface of the media device.

(2) The "Official Notice" taken for claims 17, 23-24 and 38 are not supported by specific factual findings, and applicant request for supporting references be cited.

(3) Venkatraman teaches away from the system and method in Paroz, and the teachings of Venkatraman and Paroz should not be combined.

(4) There is no suggestion to combine the system and method of

Venkatraman with the system and method of Paroz.

57. In respect to point (1), on page 14, lines 3-7 of the remarks filed on 6/7/05, applicant states: "the office has impermissibly ignored claim terms, and thus, has not appreciated the invention as claimed. Without such appreciation, the office cited Venkatraman, which on its face does not teach or suggest, explicitly or inherently, all of the claimed elements, but also specifically states that it does not teach at least one of the claimed elements." Furthermore, on page 14, lines 10-13, applicant states: "As set forth in the claims 13 and 52, each of the integrated presentations includes data extracted from a media device to replicate a corresponding interface of the media device. Venkatraman does not teach any such integrated presentation." Applicant argued that Venkatraman provides a web-based user interface mechanism in lieu of and not in addition to such a native user-interface mechanism (page 14, lines 16-17).

58. In response to point (1), it is unclear what is a "native" user-interface mechanism, such term is not described in the specification or the prior art of record. In fact, applicant's argument of a "native" user-interface mechanism is not claimed in claims 13 and 52. Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "native" user-interface) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant only claimed integrated presentations to replicate a "corresponding" interface of the media device. This amounts to an integrated presentation to

"duplicate, copy or reproduce" a similar interface of the media device. There are not claim terms describing the graphical layout of the interface in respect to the original interface presented on the media device. Venkatraman taught a web page that defines a set of user interface functions with control buttons to enable various control functions for the media device (col. 3, lines 28-40). This means that various graphical user interface objects, which represent the control buttons, must be integrated in order to generate the web page for controlling the functions of the media device (i.e. integrated presentation). The web page must be similar to the interface of the media device in order to enable various control function of the media device. In sum, Venkatraman taught a web page including data extracted to reproduce a similar user interface of the media device (i.e. integrated presentation to replicate a corresponding interface of the media device).

59. In response to point (2), references supporting the "Official Notice" taken in the last office action are provided as requested by the applicant. First, Paroz taught the concept of a web-hosted application running on a second server for supporting the "Official Notice" taken in claim 17 of the last office action on page 5, paragraph 16. Paroz taught servers (i.e. first and second servers) shown in figures 1 and 2, running the web-hosted application (col. 7, lines 12-24; col. 9, lines 7-11). Next, Venkatraman taught the invention as claimed in claim 13 can be implemented in a wide variety of devices including communication and telephony devices (col. 3, lines 51-53). Venkatraman did not specifically detailing the communication and telephony devices including a personal digital assistant, a mobile telephone, or a pager. References including Brown et al, U.S. Patent 5,793,866 (col. 2, lines 52-62), Mazurkiewicz et al, U.S. Patent 5,749,072 (abstract; col. 3, lines 16-29), Lee, U.S. Patent Application Publication

2001/0031997 (page 7, paragraph 44) and Teppler, U.S. Patent 6,898,709 (col. 14, lines 7-19) taught the concept supporting the "Official Notice" taken in claim 23 for media devices such as personal digital assistant, a mobile telephone, or a pager are known in the art and the limitations narrowed by these claims are consider obvious. Thus, it would be obvious for one of ordinary skill in the art to implement Venkatraman's teaching with well known devices such as a personal digital assistant, a mobile telephone, or a pager taught by Brown et al, Mazurkiewicz et al, Lee and Teppler. Lastly, Cao, U.S. Patent 6,782,550 taught the concept supporting the "Official Notice" taken in claims 24 and 38 for an interface consisting of login interface, a Channel Guide, a Replay Guide, Replay Shows, Replay Channels, Find Shows, and Manual Record (Figs. 15A-15F; col.23, line 66-col. 24, line 6; col. 29, line 49-col. 30, line 17; col. 32, line 46-col. 33, line 22; col. 33, lines 37-57; col. 34, lines 10-16).

60. In respect to points (3) and (4), applicant argued that Venkatraman teaches away from the system and method in Paroz. Thus, the teachings of Venkatraman and Paroz should not be combined. Applicant further argued that there is no suggestion to combine the teachings of Venkatraman with Paroz.

61. In response to points (3) and (4), examiner disagree with applicant's allegation of Venkatraman teaches away from the system and method in Paroz. As mention above in response to point (1), Venkatraman taught a web page including data extracted to reproduce a similar user interface of the media device. As admitted by the applicant, on page 22, paragraph 1 of the remarks, examiner agreed that Paroz taught replication of a user interface of another device.

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Both Venkatraman and Paroz are directed to the field of interfacing a remote device by replicating a corresponding interface. Thus, the teaching of Venkatraman did not teach away from the system and method of Paroz, and the teachings could be combined to teach the invention substantially as claimed. Furthermore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Paroz because Paroz's teaching of objects interfaces would increase the flexibility in Venkatraman's system by allowing customization of user interface for handling of user actions (col. 2, lines 54-63; col. 3, lines 16-21) (i.e. suggestion to combine the teaching of Paroz with Venkatraman).


62. Accordingly, applicant's arguments are not persuasive. The rejections are maintained.

63. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Lee

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whose telephone number is (571) 272-3967. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Philip Lee

 JOHN FOLLANSBEE
SENIOR EXAMINER
TECHNICAL CENTER 2100